

AMENDED IN ASSEMBLY FEBRUARY 24, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 105**

**Introduced by Assembly Member Cohn**

January 11, 2005

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An act to add Article 2.5 (commencing with Section 110387.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 105, as amended, Cohn. Food labeling: California—~~Healthy~~ *Choice* Seal Program.

The existing Sherman Food, Drug, and Cosmetic Law provides for the regulation by the State Department of Health Services of the packaging, labeling, and advertising of food, drugs, and cosmetics.

This bill would require the department to establish a voluntary food inspection program, to authorize placement of the “California—~~Healthy~~ *Choice* Seal” upon, or in association with, compliant food products, and to assess a fee upon participants to cover the costs of the program. The bill would establish the California—~~Healthy~~ *Choice* Seal Fund for deposit of the fees, to be available for these purposes upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Article 2.5 (commencing with Section
- 2 110387.10) is added to Chapter 4 of Part 5 of Division 104 of the
- 3 Health and Safety Code, to read:

1 Article 2.5. California ~~Healthy~~ Choice Seal Program

2  
3 110387.10. For the purposes of this article, the following  
4 terms have the following meanings:

5 (a) “Fund” means the California ~~Healthy~~ Choice Seal Fund  
6 established pursuant to this article.

7 (b) “Packaged food” means a food that is prepared and  
8 packaged, made up of more than one ingredient.

9 ~~(c) “Restaurant entree” means an entree that is prepared and  
10 served at a restaurant.~~

11 ~~(d)~~  
12 (c) “Seal” means the California ~~Healthy~~ Choice Seal  
13 authorized pursuant to this article.

14 110387.15. (a) The department shall establish the California  
15 ~~Healthy~~ Choice Seal Program pursuant to this article. The  
16 program shall establish a conspicuous “California ~~Healthy~~  
17 Choice Seal” to be displayed on, or associated with, food  
18 products that meet the requirements of Section 110387.20.

19 (b) The department shall ensure that participating food  
20 products meet the requirements of Section 110387.20.

21 (c) The program shall be a voluntary program designed to  
22 authorize participants who have paid the required fee and whose  
23 products have been evaluated by the department to display the  
24 “California ~~Healthy~~ Choice Seal” on or with their products.

25 110387.20. The program shall be open only to a packaged  
26 food ~~or a restaurant entree~~ that meets all of the following  
27 requirements:

28 (a) No more than 35 percent of the total calories shall be from  
29 fat, excluding nuts, seeds, and nut butters.

30 (b) No more than 10 percent of the total calories from fat, as  
31 set forth in subdivision (a), shall be from saturated fat.

32 (c) No more than 35 percent of the total weight of the food  
33 shall be composed of sugar. This subdivision does not apply to  
34 foods that consist entirely of fresh fruits and vegetables.

35 110387.25. (a) The department shall establish a fee on a  
36 per-packaged-food ~~or per-restaurant-entree~~ basis. The fee shall be  
37 sufficient to cover the costs to the department of implementing  
38 this article, including, but not limited to, administrative costs and  
39 the costs of evaluation.

1 (b) Each participating packaged food manufacturer ~~or~~  
2 ~~restaurant~~ shall pay the fee and submit its food products for  
3 evaluation pursuant to the process established by the department.  
4 The department shall authorize only a participant who pays the  
5 required fee, and whose food products successfully complete the  
6 inspection process, to place the seal on, or associate the seal with,  
7 the participant's food products.

8 (c) The California-~~Healthy~~ *Choice* Seal Fund is hereby  
9 established for the purposes of this article. All fees collected by  
10 the department for the purposes of this article shall be deposited  
11 into the fund. The fund shall, upon appropriation by the  
12 Legislature, be expended for the purposes of this article.